




Speech By  
**James Lister**

**MEMBER FOR SOUTHERN DOWNS**

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**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL**

 **Mr LISTER** (Southern Downs—LNP) (5.59 pm): As deputy chair of the Legal Affairs and Community Safety Committee I rise to speak in this debate on the Births, Deaths and Marriages Registration Amendment Bill 2018. I would like to record my thanks to my honourable colleagues on the committee—the members for Toohey, Mirani, Macalister, Lockyer and Mansfield—the committee staff, Hansard and those people and groups who tendered submissions and appeared before the committee.

As we know, last year the Commonwealth Marriage Act was amended to allow same-sex marriage. Those federal law amendments extended to the Sex Discrimination Act 1984 by repealing, with effect from 9 December 2018, protection from anti-discrimination law in relation to a refusal to alter a person's gender on an official record due to that person being married. The latter change is of most relevance to officers working in the Queensland Registry of Births, Deaths and Marriages.

These changes to Commonwealth law necessitate that all states and territories amend their own laws to ensure consistency with the new arrangements at the federal level and that is what this bill seeks to achieve. It proposes to amend section 22 of act to allow a married person who has had gender reassignment surgery to record their new gender on their birth certificate without first having to divorce their spouse. There were 10 submissions made to the committee concerning this bill and they all supported the bill. I also support this bill in its current form. It is a sensible and necessary action to ensure that the law of the state of Queensland is consistent with the ultimately overriding law of the Commonwealth.

I note that some of the submissions to the committee concerning this bill contend that the bill does not go far enough. I do not agree with that view. The Human Rights Law Centre, the Gay and Lesbian Rights Lobby and the Rainbow Rights Watch argued that a person ought to be free to change their gender on their birth certificate without first having to undergo a sex change. It was also proposed that it should not be necessary for a person to have their sex recorded on their birth certificate at all. The Human Rights Law Centre is one such group that argues that births, deaths and marriage registration acts contain what they describe as 'outdated, unnecessary and invasive requirements that significantly disadvantage transgender, gender diverse and intersex people in Queensland'.

The honourable member for Maiwar, Mr Berkman, also submitted on behalf of the Queensland Greens that people have the right to—

... not specify a gender on legal documents, including birth and marriage certificates.

Intersex, transgender and gender diverse people should be able to alter their sex or gender on all official documents, consistent with how they live and identify, irrespective of their marital status, without the requirement for gender affirmation surgery or hormonal therapy.

Not to be outdone, currently, the government is conducting a review of the Births, Deaths and Marriages Registration Act. That has been marked by the release of the first of three discussion papers titled *Registering life events: recognising sex and gender diversity and same-sex families*. Among the concepts aired in the discussion paper is the possibility that additional gender assignments be developed. The discussion paper states—

Calls have been made to include either another category of sex to allow individuals to self-identify their sex or gender when registering a life event or to choose their sex or gender from a range of additional categories of sex such as 'non-binary', 'unspecified', 'nonspecific', 'indeterminate' or 'intersex'.

Recently, we have seen the government quietly remove gender from our drivers' licences, Commonwealth Games volunteers instructed to use bizarrely precious gender-neutral language and the now infamous Genderbread program, which was enacted at some Queensland state schools.

Personally, I disagree with all of these urgings for radical change and, in saying so, I am quite certain that I speak for the people of my electorate of Southern Downs.

**Mr Costigan:** And a few others.

**Mr LISTER:** I take that interjection from the member for Whitsunday. We are wearying of political correctness crusades when we have so many more important and social problems at hand. Hospitals, schools, roads, electricity prices, drought and the scourge of ice are matters that are much more important to us.

The changes embodied in this bill as it stands are a necessary consequence of changes to the federal marriage and sex discrimination acts and the LNP and I support them. However, I wish to be clearly on record as not supporting the calls that we have heard for the creation of non-binary gender assignments and changes that would permit people to change their legal sex, or that of their children, on a whim.